

8000067

### THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Holden's Foundation Seeds, Inc.

Tellicreus, there has been presented to the

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF eighteen years from the date of this grant, subject to the payment of the required fees and periodic replenishment of viable basic D of the variety in a public repository as provided by LAW, the right to exothers from selling the variety, or offering it for sale, or reproducing it, rting it, or exporting it, or using it in producing a hybrid or different therefrom, to the extent provided by the Plant Variety Protection Act (34)

CORN

\* LH39

In Ecstimony Wincrest, I have hereunto set my hand and caused the seal of the Plant Variety Exotection Office to be affixed at the City of Washington, D.C. this 26th day of November in the year of our Lord one thousand nine bundred and eighty-two

Kennett H. Evan

Commissioner Plant Variety Protection Office Grain Division

Agricultural Marketing Service

Secretary of Agriculture

# UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

#### APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.	2. KIND NAME		FOR OFF	ICIAL USE ONLY
1. VARIETY NAME OR TEMPORARY DESIGNATION	1110 117011		PV NUMBER	
LH39	Yellow d	lent	]	8000067
3. GENUS AND SPECIES NAME	4. FAMILY NAME (BO	otanical)	FILING DATE	TIME A.M.
	C	_	3/4/80	9:00 P.M.
Zea mays	Graminea  5. DATE OF DETER		\$ 500.00	BALANCE DUE
	S. DATE OF DETER	MINATION	i	# 3/4/80
	1978	•	\$ 250.00	
6. NAME OF APPLICANT(S)	7. ADDRESS (Street &	and No. or R.F.D. No.,	City, State, and ZIP	8. TELEPHONE AREA
Holden's Foundation	P.O. Box	299		CODE AND NUMBER
Seeds, Inc.	1 - 1	burg, Iowa	52361	319-
		5418, 10114		668-1100
-		₱		
9. IF THE NAMED APPLICANT IS NOT A PE	RSON, FORM OF	10. STATE OF INCO	RPORATION	11. DATE OF INCOR-
ORGANIZATION: (Corporation, partnership,		T	•	PORATION
Corporation		Iowa		1968
12. Name and mailing address of applic	ant representative(s	s), if any, to serve	in this application	and receive all papers:
Mr. Art Johnson			•	
Holden's Foundation S	eeds, Inc.	•		
P.O. Box 299	•			
Williamsburg, Iowa 52	361			
13. CHECK BOX BELOW FOR EACH ATTACH	MENT SUBMITTED:			
X 13A. Exhibit A, Origin and Bree	ding History of the	Variety (See Section	on 52 of the Plant	Variety Protection Act.)
,			•	
X 138. Exhibit B, Botanical Desc.	ription of the Varie	y '	•	
AE - 101 - 211 / D	toto Cabo Wasia			
13c. Exhibit C, Objective Descr	iption of the variet	<b>y</b>		
130. Exhibit D, Data Indicative	of Novelty			
Data indicative	0. 10.00			
[X] 13E. Exhibit E, Statement of the	Basis of Applicant	r's Ownership		
14A. Does the applicant(s) specify that	seed of this variety	v be sold by variet	v name only as a c	lass of certified seed?
(See Section 83(a), (If "Yes," and	swer 14B and 14C b	elow.)	YES X	
14B. Does the applicant(s) specify that		14C. If "Yes," to	14B, how many ge	enerations of production
limited as to number of generation		beyond breed	_	<b></b>
	YES NO	FOUNDATIO	ON REGISTER	ED CERTIFIED
The applicant declares that a viable s	ample of basic seed	of this variety wi	ll be deposited upo	on request before issu-
ance of a certificate and will be reple	nished periodically	in accordance with	n such regulations	as may be applicable.
The undersigned applicant(s) of this	sexually-reproduce	d novel plant varie	ty believes that th	e variety is distinct,
uniform, and stable as required in Se	ction 41 and is ent	itled to protection	under the provision	is of Section 42 of the
Plant Variety Protection Act.			÷	
Applicant is informed that false repre	esentation herein ca	in je opardize prote	ction and result in	penalties.
		1100.	, , , , , ,	1 1
1/15/80		Holker	1 toundale	on Seeds Luc.
(DATE)	<del></del>	- Is	IGNATURE OF APPLI	SATY/
		By	Nowold R	tolle
· · · · · · · · · · · · · · · · · · ·	_		·	CANT
(DATE)	*	. (\$	IGNATURE OF APPL	ievū i s.

Origin and Breeding History of Variety

LH 39

LH39 = Ex374 = Oh43 x L120 Selection 2823-11-4-1-7-4-4

#### Item 1

Item 1 is a schematic outline of the development of LH39. A pedigreed breeding system was used, in which individually selected ears from the previous generation were planted in an ear to row manner. Plants within each row were self-pollinated. Ears from these self-pollinated plants were chosen to perpetuate the system.

#### Item 2

Item 2 is a collection of copies of pages from Holden's Foundation Seeds' Nursery Books. The rows involved in the development of LH39 have been underscored.

L120 is a Holden's Foundation Seeds' private line. It is related to the Oh43 family of corn, but is agronomically unacceptable as an inbred line.

LH39 = Ex376 = Oh43 x L120 Selection 2823-11-4-1-7-4-4

Nursery Row No.		<u> </u>	Location	<u>Year</u>
Oh43		L120	Iowa	1973
8702	Oh43 x L120		Hawaii	1973-74
	$\downarrow$	Self-poll:	inated	
2823 & 2826 (block)	Oh43 x L120	2823	Iowa	1975
		Self-poll	inated	
8553	Oh43 x L120	2823-11	Iowa	1975
		Self-polli	nated	•
3800	Oh43 x L120	2823-11-4	Hawaii	1975-76
		Self-polli	nated	
11579	Oh43 x L120	2823-11-4-1	Iowa	1976
		Self-polli	nated	
986	Oh43 x L120	2823-11-4-1-7	Hawaii	1976-77
		Self-polli	nated	
10944	Oh43 x L120	2823-11-4-1-7-	4 Iowa	1977
		Self-polli	nated	
2755-2758	Oh43 x L120	2823-11-4-1-7-	4 Hawaii	1977-78
	Ex376		Iowa	1978
	LH39		Hawaii	1978-79

#### Addendum to Exhibit A:

1) The inbred line LH39 has been self-pollinated and planted ear to row for a sufficient number of generations to assure uniformity and homozygosity of the line.

Ear height, ear type, tassel type, and plant height are very uniform. The three-eared trait will be variable with fluctuations in populations and growing conditions.

2) The Iowa Crop Improvement Association has accepted LH39 for certification, which shows that the line is both uniform and stable.

Enclosed are copies of the foundation tags for LH39 and a copy of Holden's Foundation Seeds field reports indicating which field met certification standards.

All LH39 seed increase fields passed inspection.

#### Revised Exhibit B

LH39 is a yellow dent corn inbred. The line most closely resembles 0h43Ht in plant type. HIS 12/4/81 APTROVED BY APPLICANT ON CRIGINIL EXHIBIT B.

However, LH39 is taller than Oh43Ht (203 cm vs. 194 cm), has a higher top ear placement (78 cm vs. 60 cm), and has a greater 3-ear tendency (2.2 ears/stock vs. 1.8 ears/plant). Data and statistical evaluations are given in Tables 1, 2, and 3.

When LH39 is 974.5 heat units into the growing season, the leaves emerging from the whorl are light green with a definite yellow color. Whereas leaves emerging from Oh43Ht at the same growth stage are dark green. Please refer to Supplement to Exhibit B for descripton of Experiment, color rating data, and photos.

## Supplement to Exhibit B Corn Application No. 8000067, 'LH39'

Alternate rows of Oh43Ht and LH39 were planted June 10, 1981. A total of four 60-foot rows were planted of each variety. Oh43Ht and LH39 were seeded with 100 kernels per row and later thinned to 55 plants per row. The experiment was bordered on each side with Oh43Ht or LH39 to keep the alternating pattern.

The project has been watched periodically from the time of planting to observe any marked differences between LH39 and Oh43Ht.

On July 20, 1981, 974.5\* heat units from the date of planting a definite difference was observed. The leaves emerging from the whorl of Oh43Ht are dark—green as they unwrap from the center. However, the leaves of LH39 are light green with a very yellow color as they emerge from the whorl. They remain lighter green until they are free of the whorl. When they are free from the whorl, there is no difference in color between an LH39 leaf and an Oh43Ht leaf.

The two rows in the center of Photo # 1 illustrate the difference in color of the leaves in the whorl. Oh43Ht is in the left row; LH39 is in the right row.

The two rows in the center of Photo # 2 illustrate the color difference but with a closer view.

The third photo demonstrates the color difference in a closeup shot. Oh43Ht is on the left, and LH39 is on the right.

To determine the difference per plant, each plant was measured for color. The leaf next to the tightly rolled leaf in the very center of the whorl was measured for color 12 centimeters from the tip of the leaf. The color was measured along the outside edge of the leaf.

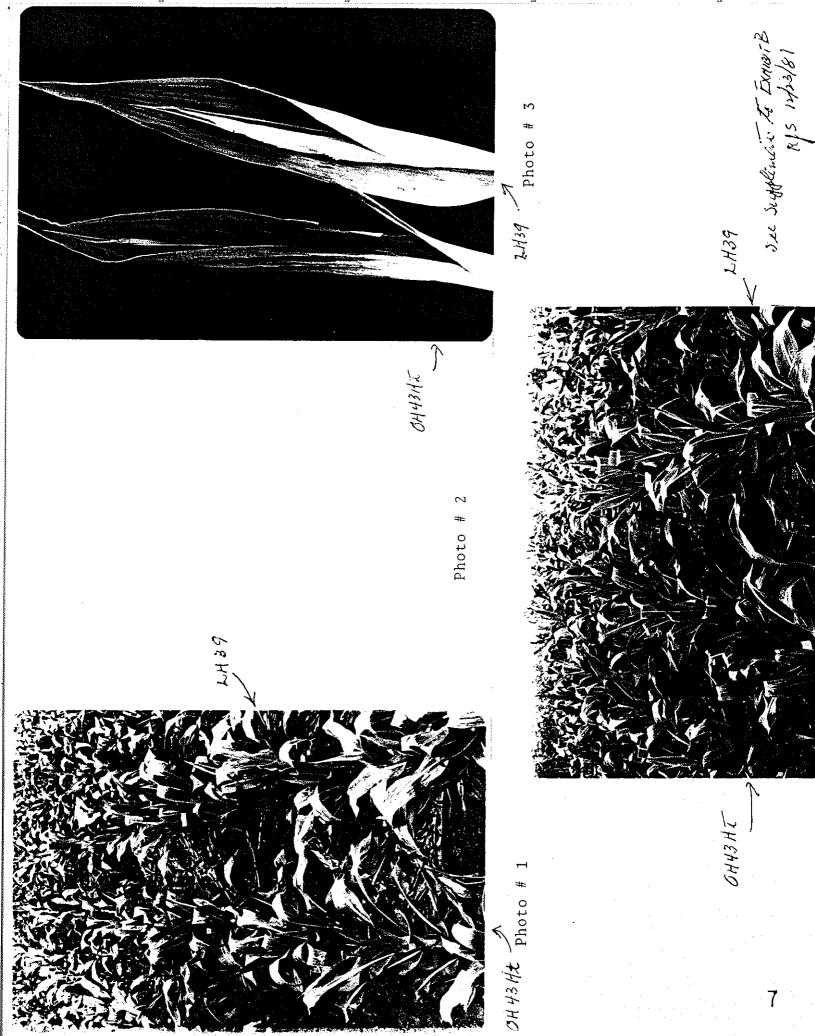
Munsell Color Charts for plant tissues (Second Edition revised 1979) was used for color identification.

Copies of the 1981 Summer Record Book for Patent Measurements were made of pages 2-32. These pages include the original readings on the color differences of the leaves in the whorl between LH39 and Oh43Ht. The numbers along the left hand side of the paper are the plant numbers. The row number and the pedigree is specified at the top of each page. The information following each plant number is the color rating for each particular plant of the row mentioned at the top of the page.

\* Formula used to determine GDD:

$$GDD = \frac{T \max + T \min}{2} - 50^{\circ}$$

T max not to exceed 86° F T min not to be less than 50° F



Supplement to Exhibit B Corn Application No. 8000067, 'LH39' Page 2

Plants No. 32 and 33 in Row 27541 were out of the ordinary for color. However, they were both buggy whipped, which I assume casued the abnormal readings.

FORM GR-470-28 (2-15-74)

# UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

EXHIBIT C (Corn)

#### **OBJECTIVE DESCRIPTION OF VARIETY**

CORN (ZEA MAYS)	
NAME OF APPLICANTIS	FOR OFFICIAL USE ONLY
Holden's Foundation Seeds, Inc. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)	8000067
P.O. Box 299	VARIETY NAME OR YEMPORARY
Williamsburg, Iowa 52361	LH39
Place the appropriate number that describes the varietal character of this variety in the Place a zero in first box ( $\epsilon$ - $\epsilon$ - $0$ $  8$ $  9$ or $  0$ $  9$ ) when number is either 99 or less or	: boxes below. 9 or less.
1. TYPE:	
2 1 = SWEET 2 = DENT 3 = FLINT 4 = FLOUR 5 = PO	OP 6 = ORNA. ENTAL
2. REGION WHERE BEST ADAPTED IN THE U.S.A.:	
2 1 = NORTHWEST 2 = NORTHCENTRAL 3 = NORTHEAST 5 = SOUTHCENTRAL 6 = SOUTHWEST 7 = MOST REGIONS	4 = SOUTHEAST
	comments" (pg. 3) state how
6 3 DAYS FROM EMERGENCE TO 50% OF PLANTS IN SILK 1 3	6 0 HEAT UNITS
DAYS FROM 50% SILK TO OPTIMUM EDIBLE QUALITY	HEAT UNITS
7 0 DAYS FROM 50% SILK TO HARVEST AT 25% KERNEL MOISTURE 1 2	9 3 HEAT UNITS
4. PLANT:	
2 0 3 CM. HEIGHT (To tassel tip)	7 8 CM. EAR HEIGHT (To base of top ear)
1 0 CM. LENGTH OF TOP EAR INTERNODE	
•	
Number of Titlers: Number of Ears Per Stalk:	
	SLIGHT TWO-EAR TENDENCY LEAR TENDENCY 4 = THREE-EAR TENDENCY
Cytoplasm Type:	
1 1= NORMAL 2+"T" 3="S" 4="C" 5=OTHER	(Specify)
	447
5. LEAF (Field Corn Inbred Examples Given):	
Color:  2 1 * LIGHT GREEN (HY) 2 * MEDIUM GREEN (WF9) 3 = DARK GREEN	
	•
Angle from Stalk (Upper half): Sheath Pubscence:	
2 1 = < 30° 2 = 30-60° 3 = > 60° 2 1 = LIGHT 3 = HEAVY	
Marginal Waves: Longitudinal Creases:	
2 1 = NONE (HY) 2 = FEW (WF9) 3 = MANY (OH7L) 2 1 = ABSEN	T (OH51) 2 = FEW (OH56A)
Width: Length:	(PA11)
1 0 CM. WIDEST POINT OF EAR NODE LEAF 0 7 5 CM. E.	AR NODE LEAF

NUMBER OF LEAVES PER MATURE PLANT

MM. WIDE

3 = 40 - 60

2 \* 20~40

MM, THICK

4 = 60 - 80

5 = > 80

Size (From Ear Mid-Point):

Shape Grade (% Rounds)

MM LONG

1 = < 20

0 9

2

1	(Dried): Pericarp Color:	1 = COLORLESS 5 = BROWN 8 = VARIEGATED (D	6 = LIGHT F		3 ≈ TAN 7 <sup>-3</sup> CHERRY I	8000067 4 = BRONZE RED	
1	Aleurone Color:	1 - HOMOZYGOUS	<b>2 =</b> SEGF	REGATING (Descr	ibe)		
1		2 = PINK 8 = PALE PURPLE		4.= BROW ∤EGATED (Descri		6 = BRONZE	6 = REC
3	Endosperm Color:	1 = WHITE 2	PALE YELLOW	3 = YELLOW	4 = PINK-OR	ANGE 5 = WHI	TE CAP.
Endosper							
3		2 = EXTRA H 6 = HIGH PR		3 = NORMAL 7 = HIGH LY	9 =	HIGH AMYLOSE ST	ARCH
2 2	GM, WEIGHT /100	SEEDS (Unsized Sampl	e)				
2 6	MM. DIAMETER A	AT MID-POINT					
Strength:	;		Co	lor:			
2	1 - WEAK	2 ~ STRONG	, [	1 - WHITE 5 - VARIEGA		RED 4 = BROWN THER (Specify)	
DISEASI	E RESISTANCE (O	■ Not Tested, 1 × Suscep	tible, 2 = Resistant):				
0	STALK ROT (Dipl NORTHERN LEA SOUTHERN RUS? BACTERIAL LEA OTHER (Specify)	F BLIGHT	STALK ROT (FOR SOUTHERN LESS OF MAIZE DWARF	AF BLIGHT	0 5	TALK ROT (Gibberei MUT BACTERIAL WILT	lla)
INSECT	RESISTANCT (O =	Not Tested, 1 = Suscepti	ble, 2 = Resistant):				
0	CORNBORER ROOTWORM (Not	thern) 0 ROOT	VORM  FWORM (Western)  R (Specify)	0	SAPBEETLE	O APHI	D <sub>.</sub>
VARIET	IES MOST CLOSEL	Y RESEMBLING THAT	<del></del>				
CHARAG			143 Hz	CHARAC		Oh43 H	<u></u>
Maturity Plant Typ			143HT	Kernel T Quality (		Oh43 H	τ
Ear Type		OI	143 HZ	Usage		Oh43 H	t
REFERE	U.S. Department A Corn: Culture, Pro Emerson, R.A., G.V The Mutants of Ma Stringfield, G.H. M	griculture, Yearbook 19 dessing, Products, 1970 N. Beadle, and A.C. Frass ize, 1968, Crop Science aize Inbred Lines of Ohle	Avi Publishing Comper. A Summery of Lite Society of America O., Ohio A.E.S. Bul.	pany, Westport, Co nkage Studies in M . Madison, Wiscon 831. 1959.	laiza,Cornell A.E.S., f isin.	Иет, 180, 1935.	
	AITC.	- A System for the Clas		·-··		HIVET SILY.	
COMME	NIS:	$Temp \leq 860 + \frac{1}{2}$	T T	> = 00	0		

TABLE 1

#### Plant Height in Inches Oh43Ht vs. LH39

EXHIBIT D

Rep	Rep I		Rep II		Rep III		
Oh43Ht	LH39	Oh43Ht	LH39	Oh43Ht	LH39		
74	84	68	76	75	75		
81	69	78	76	73 72	83		
73	78	76	70 79	74	74		
73 78	78	70 79	82	77	76		
69	81	81	82	72	73		
69	77	72	84	79	73 79		
80	79	74	82	7 5 7 5	7 <i>5</i>		
75	85	84	76	73 74	73 72		
80	74	80	85	82	84		
81	82	74	80		84		
70	80	74 76	77	78			
.74	81	80	83	77	85		
68	85	74		82	78 78		
77	79	76	78	87	78		
77	7 <i>9</i> 79	83	74 70	86	75		
· 76	80	82	78 75	74	82		
82	77		75 70	72	82		
76	80	78	79 70	69	77		
		71	79	77	79 <sup>-</sup>		
74 76	84	75	85	83	79		
76	82		80	78	83		
	80		80	75	83		
	78		81	72	79		
	82		83	74	87		
	85		89	83	85		
	89				83		
	81						
	82						
Oh43Ht	$\overline{\mathbf{D}}$	LH39					
63		76					
76.41		80.05					
ar. 19.45	.00372	15.00			N		

TABLE 2

EXHIBIT D

## Ear Height from Ground to Base of Top Ear Oh43Ht vs. LH39

	Rep J	[	Rep	II	Rep	III
	Oh43Ht	LH39	Oh43Ht	LH39	Oh43Ht	LH39
	24.0				_	
	24.0	29.5	21.0	21.5	23.5	26.0
	22.0	32.5	20.0	31.0	19.5	25.0
	23.0	32.5	24.5	27.0	25.5	31.5
	25.0	36.0	23.0	32.5	23.5	24.0
	21.5	32.0	28.0	28.5	22.0	26.5
	24.5	27.0	24.0	37.0	18.0	30.0
	23.0	28.0	30.0	28.5	19.5	28.5
	24.0	31.5	27.0	26.0	22.0	29.0
	25.0	28.5	23.0	33.0	25.5	32.0
	29.0	29.5	26.5	33.0	23.5	33.5
	31.0	34.0	25.5	37.0	26.0	31.0
	23.0	39.0	25.0	27.0	19.0	32.0
	23.0	34.0	25.0	34.5	27.0	31.5
	23.5	34.5	26.0	28.5	24.5	26.5
÷ .	25.5	26.5	28.5	29.5	19.0	27.0
	26.0	31.0	24.0	26.5	22.5	29.5
	23.5	33.0	24.0	31.5	12.5	25.5
	26.0	29.0	26.5	25.0	20.0	27.0
	19.5	31.5	31.0	35.0	22.5	25.5
	25.5	28.0		34.0	27.5	33.0
	24.0	35.0		32.0	18.5	27.5
		30.5	• •	37.0	21.5	37.0
		32.5		30.5	23.5	33.0
		34.0		30.0	20.0	34.0
		33.0			• •	31.5
		31.0				
		30.0	• .			
	Oh43Ht	$\overline{\mathrm{D}}$	LH39			•
N	64		76			
$\overline{X}$	23.76	7.12**	30.88			
Var.	10.453	0.33178	12.802			<b>5.</b>

## 8000067

#### TABLE 3

## EXHIBITD.

#### Number of Ears/Stalk Oh43Ht vs. LH39

	Rep I	<del>.</del> .	Rep	ΤΤ	Rep	II
		LH39	Oh43Ht	LH39	Oh43Ht	LH39
			011.0110			
	2 ·	2	2	3	3	3
	2	2.	2	2	2	3
	2	2	2	2	. 2	2
	2	3		3	2	2
-	2	3	2	2	1	3
	2	2	2	3	1 .	2
	1	3	2	3	1	2
	2	3	2	2	1	2
	2	2	2	2	1	2
-	2	3	2	2	1	3
	2.	2	2	2	_ 1	2
	2	3	2	2	2	3
	1	3	2	2	1 .	2
	2	2	2.	2	1	3
-	2	2	2 .	2	, 2	2
	2	2	2	2	2	3
•	2	2	. 1	2	1	3
	2	2	2	3	2	2
	2	2	3 ·	2	2	2
	2	2	:	2	1	2
	2	3		2	2	3
· -	2	2		3	2	2
		2		.2	2	2
•		2		2	2	3
		2				3
		3		• • •		2
		2				
•	Oh43Ht	$\overline{\mathrm{D}}$	LH39			
N	65		77	•		
$\overline{X}$	1.80	0.54**	2.34			
Var.	0.222	.00632	0.224			Per .

### LH39 vs Oh43 HT\_ Rps 12/20/81

Trait Compared	Difference	Level of Sig. Difference
Plant Height (in.)	3.64	.01
Top ear node length (in.)	0.27	.01
No. ears/plant	0.54	.01
Ear height (in.)	7.12	.01
Peduncle length	0.39	.05
No. of nodes/shank	0.89	.01
Ear diameter (in.)	0.23	.01
Ear node leaf length (in.)	0.94	.05
Ear weight (g)	26.59	.01

## Ref.: STATISTICAL MEthods: Snedecor + Cochran

Sample |

Compute 
$$\overline{X}$$
 |

Compute  $S_1^2 = \left(\frac{\xi_{X_1}}{X_1} - \frac{\xi_{X_1}}{N_1}\right)$ 

$$\overline{D} = \overline{X}_1 - \overline{X}_2$$

$$S_D^2 = \frac{S_1^2}{N_1} + \frac{S_2^2}{N_2}$$

$$LSD_X = \frac{1}{2} \sqrt{S_D^2}$$

Sample 2 Compute X2 Compute 52 Exhibit E:

Holden's Foundation Seeds, Williamsburg, Iowa, is employer of the plant breeders involved in the development of LH39.

Holden's Foundation seeds have the sole rights and ownership of LH39.

rue'd
3/4/80
9:00 am